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DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-869]

Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Final Results of the Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017-2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) finds that one of the producers/exporters subject to this administrative review did not make sales of subject merchandise at less than normal value and the other made no shipments of subject merchandise during the period of review (POR), May 1, 2017 through April 30, 2018.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Ian Hamilton, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC, 20230; telephone: (202) 482-4798.

SUPPLEMENTARY INFORMATION:

Background

This review covers two producers/exporters, Toyo Kohan Co., Ltd. (Toyo Kohan) and Nippon Steel & Sumitomo Metal Corporation (Nippon Steel). On July 17, 2019, Commerce published the *Preliminary Results*.<sup>1</sup> On August 16, 2019, we received a case brief from Thomas

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<sup>1</sup> See *Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Preliminary Results of the*

Steel Strip Corporation, the petitioner in this administrative review.<sup>2</sup> On August 26, 2019, we received a rebuttal brief from Toyo Kohan.<sup>3</sup> Commerce conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Order

The merchandise subject to the order is diffusion-annealed, nickel-plated flat-rolled steel products from Japan. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7212.50.0000 and 7210.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description remains dispositive. For a complete description of the scope of the order, *see* Appendix I of this notice

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs are listed in Appendix II to this notice and addressed in the Issues and Decision Memorandum.<sup>4</sup> Interested parties can find a complete discussion of these issues and the corresponding recommendations in this public memorandum, which is on file electronically via Enforcement and Compliance's Antidumping (AD) and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and ACCESS is also available to all interested parties in the Central Records Unit, room B8024, of the main Commerce building. In addition, a

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*Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2017–2018*, 84 FR 34131 (July 17, 2019) (*Preliminary Results*).

<sup>2</sup> See Petitioner's Case Brief, "Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Case Brief of Thomas Steel Strip Corporation," dated August 16, 2019.

<sup>3</sup> See Toyo Kohan's Rebuttal Brief, "Toyo Kohan's Rebuttal Brief, Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan," dated August 26, 2019.

<sup>4</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the 2017-2018 Administrative Review of the Antidumping Duty Order on Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

#### Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we made changes to the preliminary margin calculations for Toyo Kohan.<sup>5</sup> However, as a result of these revisions, the weighted-average margin for Toyo Kohan did not change from that presented in the *Preliminary Results*.

#### Determination of No Shipments

As noted in the *Preliminary Results*, we received a properly-filed no shipment claim from Nippon Steel and confirmed the company's claim with U.S. Customs and Border Protection (CBP).<sup>6</sup> We received no comments from interested parties with respect to this claim. Therefore, because the record indicates that Nippon Steel did not export subject merchandise to the United States during the POR, we continue to find that Nippon Steel had no shipments during the POR.

#### Final Results of the Review

We are assigning the following weighted-average dumping margin to the firm listed below for the period May 1, 2017 through April 30, 2018:

<b>Producer or Exporter</b>	<b>Weighted-Average Dumping Margin (Percent)</b>
Toyo Kohan Co., Ltd.	0.00

#### Disclosure of Calculations

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<sup>5</sup> See Issues and Decision Memorandum at 2.

<sup>6</sup> See *Preliminary Results*, 84 FR at 34131.

We intend to disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding, in accordance with 19 CFR 351.224(b).

#### Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, AD duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to AD duties. The final results of this review shall be the basis for the assessment of AD duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>7</sup>

Commerce's "reseller policy" will apply to entries of subject merchandise during the POR produced by Toyo Kohan for which Toyo Kohan did not know that the merchandise it sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>8</sup>

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

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<sup>7</sup> See section 751(a)(2)(C) of the Act.

<sup>8</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Toyo Kohan will be equal to the weighted-average dumping margin that is established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for companies not participating in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, or the original less than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the cash deposit rate established for the most recently completed segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 45.42 percent, the all-others rate established in the LTFV investigation.<sup>9</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of AD duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of AD duties occurred and the subsequent assessment of double AD duties.

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<sup>9</sup> See *Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Antidumping Duty Order*, 79 FR 30816 (May 29, 2014).

### Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

### Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: November 14, 2019.

Jeffrey I. Kessler,  
Assistant Secretary  
for Enforcement and Compliance.

## **Appendix I**

The diffusion-annealed, nickel-plated flat-rolled steel products included in this order are flat-rolled, cold-reduced steel products, regardless of chemistry; whether or not in coils; either plated or coated with nickel or nickel-based alloys and subsequently annealed (*i.e.*, “diffusion-annealed”); whether or not painted, varnished or coated with plastics or other metallic or nonmetallic substances; and less than or equal to 2.0 mm in nominal thickness. For purposes of this order, “nickel-based alloys” include all nickel alloys with other metals in which nickel accounts for at least 80 percent of the alloy by volume.

Imports of merchandise included in the scope of this order are classified primarily under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7212.50.0000 and 7210.90.6000, but may also be classified under HTSUS subheadings 7210.70.6090, 7212.40.1000, 7212.40.5000, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.90.0010, 7220.90.0015, 7225.99.0090, or 7226.99.0180. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

## **Appendix II**

### **List of Topics Discussed in the IDM**

- I. Summary
  - II. Background
  - III. Margin Calculations
  - IV. Discussion of the Issues
    - Comment 1: Time Periods Used in the Cohen's  $d$  Test
    - Comment 2: Window Periods Used to Define the Universe of Home Market Sales
    - Comment 3: Purchasers Used in the Cohen's  $d$  Test
  - V. Recommendation
- [FR Doc. 2019-25154 Filed: 11/19/2019 8:45 am; Publication Date: 11/20/2019]